IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTIETH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 14168 of 2003

Between:

1. A.Yadagiri Reddy, S/o Anji Reddy, Hindu,

Age 32Yrs., Occ: Unemployee, R/o Kothur (v), Kandukuru Mandal.

2. N.Venkatesh Goud, S/o Sathaiah, Hindu,

Age: 35 years, R/o Ravirala (v), Maheshwaram Mandal.

3. P.M.Vittal Goud, S/o Mohan Goud, Hindu,

Age 35 Yrs., Occ: Unemployee, R/o Tandur, R.R.District.

4. G.Prabhakar, S/o Narayana, Hindu,

Age 40 Yrs., Occ: Unemployee, R/o Nadunoor (v), Kandukuru Mandal.5. 5. M.Mallesh, S/o Mallaiah, Hindu, Age 38Yrs.,

Occ: Unemployee, R/o Nuthankal (v), Medchal Mandal.

6. D.Krishna, S/o Narsimha, Hindu, Age 36Yrs.,

Occ: Unemployee, R/o Shameepet village and Mandal.

7. B.Madhava Reddy, S/o Satyanarayana Reddy,Hindu, Age 35Yrs.,

Occ: Unemployee, R/o Pudoor (v), Medchal Mandal.

8. D.Prabhakar Reddy, S/o Raji Reddy, Hindu, Age 40Yrs.,

Occ: Unemployee, R/o Nagishettipally (v), Shameerpet Mandal.

9. A. Balanarsimulu, S/o Kondaiah, Hindu, Age 42Yrs.,

Occ: Unemployee, R/o Pargi village and Mandal.

10. B.Bramham, S/o Sangaiah, Hindu, Age35Yrs.,

Occ: Unemployee, R/o Enkatalavillage, Mominpet Mandal.

11. A.Nagaiah, S/o Pochaiah, Hindu, age 38 Yrs.,

Occ:Unemployee, R/o Cheemaladari (v), Mominpet Mandal.

12. B.Janardhan Reddy, S/o Manikya Reddy, Hindu, age 39Yrs.,

Occ: Unemployee, R/o Morangpally (v) Monnpet Mandal.

13. M.Malla Reddy, S/o Gal Reddy, Hindu, Age 36Yrs.,

Occ: Unemployee, R/o Morangpally (v) Moinnpet Mandal.

14. M.Pervath Reddy, S/o Musal Reddy, Hindu, age 44Yrs.,

Occ: Unemployee, R/o Bachupally village, Kandukur Mandal.

15. K.Hanumanth, S/o Sathaiah, Hindu, age 35Yrs.,

Occ: Unemployee, R/o Velchal village, Moinnpet Mandal.

16. R.Swamy, S/o Shivappa, Hindu, Age 42Yrs.,

Occ: Unemployee, R/o Nomula village,Manchal Mandal.

17. M.Mahipal Reddy, S/o Ram Reddy, Hindu, age 40Yrs.,

Occ: Unemployee, R/o Barkathpally village, Pargi Mandal.

18. G.Sudhakar Reddy, S/o Parma Reddy, Hindu, age 38Yrs.,

Occ: Unemployee, R/o H.No.9-1-365/B/14, Opp: Bapu Ghat,

Langar House, Hyderabad.

19. P.Sreenivas Reddy, S/o Venkat Reddy, Hindu, age 37Yrs.,

Occ: Unemployee, R/o Morangpally village, Mominpet Mandal.

20. K.Sreeramulu, S/o Laxmaiah, Hindu, age 31Yrs.,

Occ: Unemployee, R/o Torrurvillage, Hayathnagar Mandal.

21. S.Ganesh, S/o Chandramowli, Hindu, age 34Yrs.,

Occ: Unemployee, r/o Bandahamoor village, Manchal Mandal.

22. N.Yadaiah, S/o Mallaiah, Hindu, age 38Yrs.,

Occ: unemployee, R/o Sidduloor village, Vikarabad Mandal.

23. G.Yadaiah, S/o Narayana, Hindu, age 41Yrs.,

Occ: Unemployee, R/o Kismathpur village, Rajendranagar Mandal.

24. P.Mallesh, S/o Laxmaiah, Hindu, age 40Yrs.,

Occ: Unemployee, R/o Kormula village, Ghatkesar Mandal.

25. C.Yella Bai, W/o Ramchender, Hindu, age 45Yrs.,

Occ: Unemployee, R/o Plot No.30,Teachers Colony,

Secunderabad.

26. M.K.Jayalaxmi, W/o Yadagiri, Hindu, age 45Yrs.,

Occ: Unemployee, R/o H.No.10-19, Kushaiguda, Hyderabad.

..... PETITIONERS

AND

1 The Government of Andhra Pradesh

Rep. By its Prl. Secretary, School Education,

Secretariat Buildings, Hyderabad – 500 022.

2 The Commissioner & Director of School Education,

Andhra Pradesh, Lakdi-ka-pol, Hyderabad – 500 022.

3 The Government of India, Rep. By its Secretary to Govt.

Human Resources Development (Education)

Dept., New Delhi.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to direct the respondents to consider the case of the petitioners for appointment either as SGBT Teachers or in any other equivalent posts by framing an appropriate scheme as per the guidelines of the Central Government as enunciated in Sarva Siksha Abhayan Scheme by declaring the action of the respondents in not providing employment to the petitioners after winding up of the NFE Scheme as illegal, violative of Article 14 & 16 of Constitution of India by issuing Writ or order more particularly in the nature of Writ of Mandamus or any other appropriate writ or order as this Hon'ble Court may deem fit and proper.

Counsel for the Petitioner: MR.V.V.NARASIMHA RAO

Counsel for the Respondents: GP FOR SCHOOL EDUCATION

The Court made the following :

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ORAL ORDER:

This writ petition is filed seeking a Mandamus to declare the action of the respondents in not providing employment to the petitioners after winding up the N.F.E scheme as illegal and arbitrary and to direct the respondents to consider the petitioners' case for appointment either as S.G.B.T Teachers or in any other equivalent posts by framing an appropriate scheme as per the guidelines of the Central Government as enunciated in Sarva Siksha Abhayan Scheme.

The brief facts that are necessary for disposal of the writ petition may be stated as follows:

The petitioners were appointed as N.F.E. (Non-formal Education) Instructions and subsequently they were promoted to Supervisors. The scheme of N.F.E. was introduced in 1978 and it was successfully implemented for about 23 years. Thereafter, the Government abolished N.F.E. scheme with effect from 31.3.2001. Thereafter the petitioners' services were terminated without redeployment or absorbing the Instructors and Supervisors in the Education Department. Therefore, the action of the respondents in not considering the petitioners' case as S.B.G.T. Teachers is illegal.

The respondents 1 and 2 filed counter affidavit stating that the Government, after careful examination have decided to explore the possibility of engaging the erstwhile N.F.E. Instructors/Supervisors as Instructors in the State of A.P. Open Schools funded under DEPE/SSA, subject to the condition that the candidates fulfill all the requisite criteria laid down for selection of the same. It is also made clear that N.F.E. personnel will be given preference to the post of Coordinators in view of the fact that the Government issued G.O.Ms.No.55 Education (Prog.II-1) Department, dated 1.5.2004 wherein the Government decided to engage Coordinators for School Complexes. It is also stated in the counter that the Instructors and Supervisors of N.F.E. scheme are engaged for improvement of educational schemes of the children who cannot attend the formal schools. Those who were interested were given opportunity for teaching such children under N.F.E scheme which is the policy decision taken by the Government. In case of Instructors and Supervisors, there is no provision of rules for absorption. Moreover the Government have issued orders in Memo No.8290/Prog.II.1/2002, dated 29.5.2003 to utilize the services of N.F.E. Instructors/Supervisors in A.P. Open Schools Society and also as Coordinators in School Complexes.

In view of the policy decision taken by the Governemnt, the writ petition is disposed of with a direction to the respondents to consider the case of the petitioners for utilizing their services either in Open School Society as Instructors and Supervisors or in School Complexes as Coordinators, within a period of three months from the date of receipt of a copy of this order. In the circumstances of the case, there shall be no order as to costs.

(K.C. BHANU, J.)

20th June, 2005

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To

1 The Prl. Secretary, The Government of Andhra Pradesh

School Education, Secretariat Buildings, Hyderabad – 500 022.

2 The Commissioner & Director of School Education,

Andhra Pradesh, Lakdi-ka-pol, Hyderabad – 500 022.

3 The Secretary to Government, The Government of India,

Human Resources Development (Education) Dept., New Delhi.

4 Two C.Cs. to the Government Pleader for school Education, High Court Buildings, Hyderabad (OUT)

5 Two C.D.copies.

Note: Furnish copy by tomorrow.

B/o

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